

3737

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

18 (plus 16
references)

Application Number

09/436,455

Filing Date

November 8, 1999

First Named Inventor

Christopher J. DANEK

Group Art Unit

3737

Examiner Name

D. Shay

Attorney Docket No.

435712000921

ENCLOSURES (check all that apply)

- | | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers
(for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Form PTO -1449 - 3 pages (w/copy);
International Search Report - 8 pages;
Return Receipt Postcard |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input checked="" type="checkbox"/> Information Disclosure Statement - 3 pages | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/
Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts
under 37 CFR 1.52 or 1.53 | | |

RECEIVED
FEB 23 2001
TECHNOLOGY CENTER R3700**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm

Morrison & Foerster, LLP, 755 Page Mill Road, CA 94304-1018

or

Individual Name

Richard R. Batt, Reg. No. 43,485

Signature

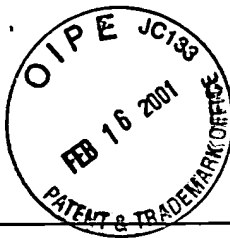
Date

February 13, 2001

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on February 13, 2001.
Kerry Keehan

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

pa-563654



BET
5-31-01
#71109

PATENT
Docket No. 435712000921
Client Ref. 033

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on February 13 2001.


Kerry Keehan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Christopher J. DANEK et al.

Serial No.: 09/436,455

Filing Date: November 8, 1999

For: DEVICES FOR MODIFICATION OF
AIRWAYS BY TRANSFER OF
ENERGY

Examiner: D. Shay

Group Art Unit: 3737

RECEIVED
FEB 23 2001
TECHNOLOGY CENTER R3700

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of documents numbered 9, 21, 47, 51, 55, 56, 59 and 62-69 are submitted herewith. However, copies of documents numbered 1-8, 10-20, 22-46, 48-50, 52-54, 56-58, 61, and 70-75, were previously submitted to the related application Serial Number 09/296,404, filed April 21, 1999, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R.

§1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

The documents listed 9, 21, 47, 51, 55, 59 and 63-69 on the attached Form PTO-1449 were cited in a Search Report mailed on November 27, 2000 (copy attached), directed to a counterpart international or foreign application.

This Information Disclosure Statement is submitted:

- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of * is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee. Accordingly an authorization to charge our deposit account, and a Certification under 37 C.F.R. § 1.97(e) are provided herein.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by

third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 435712000921. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: February 13, 2001

Respectfully submitted,

By: 

Richard R. Batt
Registration No. 43,485

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5616
Facsimile: (650) 494-0792